

Serial No. 09/977,330

Amendment dated April 25, 2005

In Reply of Office Action dated November 24, 2004

R E M A R K S

The Office Action dated November 24, 2004 has been received and its contents carefully noted.

In view of the foregoing amendments and following representations, reconsideration and allowance are respectfully requested.

Examiner Poe and Supervisory Primary Examiner Colaianni are thanked for the courtesies extended undersigned counsel during the personal interview of March 10, 2005. During that interview, undersigned counsel presented a model of Applicant's inventive mold for forming a dental prosthetic.

Further, Applicant's counsel argued that there would have been no motivation to a person having ordinary skill in the art to modify the Palazzolo rigid metal mold to eliminate the open bottom of the Palazzolo mold. It was pointed out that in order to properly practice the method described by Palazzolo using the Palazzolo device, the open bottom of the Palazzolo was required in order that the user could force out the dental mold plaster which is a rigid material.

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Further, the Examiner indicated that the previously cited, but not applied, reference to Bakanowski could be referenced as a teaching of having a closed bottom and open top. Applicant's representative pointed out that the Bakanowski reference was directed to a vacuum molding flask having holes 34 and 34a that were vented (and sealed, respectively) dependent on the respective steps being undertaken in the vacuum molding process. Such, coupled with vent channels 40 and 40a would have failed to provide a person having ordinary skill in the art with a teaching or suggestion applicable to applicant's claimed invention.

It was further discussed that Applicant's novel and unobvious steps of first providing a hydrocolloid in a closed bottom half of a mold, and then placing a portion of an existing denture in the hydrocolloid, still further adding the dental stone after the step of providing the hydrocolloid and, indeed, covering a portion of the hydrocolloid material and the further portion of the existing denture with the dental stone would have been directly contrary to the Examiner's combination of references, as applied, and as proposed.

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Applicant's counsel and the Examiners discussed the patentable significance of the ordering of the claimed method steps.

The Examiners agreed that applicant might claim the ordering of the method steps and successfully argue that such has patentable significance, coupled with the orientation of the dental mold top half and bottom half.

No final agreement was reached as to the allowability of the claims.

As to the November 24, 2004 Office Action, Applicant's previously submitted arguments filed February 24, 2005 are incorporated herein by reference.

Still further, Applicant has amended at least each of independent claims 1 and 22, to even more particularly set forth the order in which the steps are performed, and to further define over the prior art.

Given that the claims are all method claims, the order of the steps and the orientation of the claimed mold (i.e. bottom half versus top half of the mold) must be given patentable weight.

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None of the prior art of record, whether considered singly or in combination, would have taught the closing of the open bottom of the rigid metal Palazzolo mold in which a dental stone is placed.

For brevity of discussion, the patentability of the dependent claims will be allowed to rest on their dependence from the independent claims at this time.

New claim 32 has been added to provide applicant with the scope of protection to which he is entitled.

In summary, the application is submitted to be in condition of allowance with claims 1, 3-11, 22-24, 26-31, and 32.

Claims 1 and 22 are in independent form.

It is believed that no additional fee is due, as one new claim has been added, and at least one claim has been cancelled. However, should that determination be incorrect, the Patent Examiner is hereby authorized to charge any deficiencies to our Deposit Account No. 19-2105 and inform the undersigned in due course.

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Should any outstanding formal matters or other issues remain, Examiner Poe is requested to telephone Terrence Brown at 703-684-5600 to resolve such.

Respectfully submitted,

Date: 4/25/05

  
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